



Town of Barnstable  
Town Council  
James H. Crocker Jr. Hearing Room  
367 Main Street, 2<sup>nd</sup> floor,  
Hyannis, MA 02601  
Office 508.862.4738 • Fax 508.862.4770  
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BARNSTABLE TOWN CLERK

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9/12/2025@  
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Updated on  
9/15/2025 to  
correct Item  
2026-035

**TOWN COUNCIL MEETING**

**September 18, 2025**

**6:00 pm**

**Councillors:**

Craig Tamash  
President  
Precinct 4

Kris Clark  
Vice President  
Precinct 11

Gordon Starr  
Precinct 1

Dr. Kristin Terkelsen  
Precinct 2

Betty Ludtke  
Precinct 3

John Crow  
Precinct 5

Paul C. Neary  
Precinct 6

Seth Burdick  
Precinct 7

Jeffrey Mendes  
Precinct 8

Charles Bloom  
Precinct 9

Matthew P. Levesque  
Precinct 10

Paula Schnepf  
Precinct 12

Felicia Penn  
Precinct 13

The September 18, 2025 Meeting of the Barnstable Town Council shall be conducted in person at 367 Main Street 2<sup>nd</sup> Floor James H. Crocker Jr. Hearing Room, Hyannis, MA. The public may attend in person or participate remotely in Public Comment or during a Public Hearing via the Zoom link listed below.

1. The meeting will be televised live via Xfinity Channel 8 or 1070 or High-Definition Channel 1072 or may be accessed via the Government Access Channel live stream on the Town of Barnstable's website:

<http://streaming85.townofbarnstable.us/CablecastPublicSite/watch/1?channel=1>

2. Written Comments may be submitted to:

[https://tobweb.town.barnstable.ma.us/boardscommittees/towncouncil/Town\\_Council/Agenda-Comment.asp](https://tobweb.town.barnstable.ma.us/boardscommittees/towncouncil/Town_Council/Agenda-Comment.asp)

3. Remote Participation: The public may participate in Public Comment or Public Hearings by utilizing the Zoom video link or telephone number and access meeting code:

Join Zoom Meeting <https://townofbarnstable-us.zoom.us/j/81932910186> Meeting ID: 819 3291 0186  
US Toll-free • 888 475 4499

**PUBLIC SESSION**

**1. ROLL CALL**

**2. PLEDGE OF ALLEGIANCE**

**3. MOMENT OF SILENCE**

**4. PUBLIC COMMENT**

**5. COUNCIL RESPONSE TO PUBLIC COMMENT**

**6. TOWN MANAGER COMMUNICATIONS (Pre-Recorded and available on Video on Demand on the Town website)**

**7. MINUTES**

**• ACT ON PUBLIC SESSION MINUTES: September 04, 2025**

**8. COMMUNICATIONS - from elected officials, boards, committees, and staff, commission reports, correspondence and announcements (will be taken up after the Orders of the Day)**

**9. ORDERS OF THE DAY**

**A. Old Business**

**B. New Business**

Administrator:  
Cynthia A. Lovell  
[Cynthia.lovell@town.barnstable.ma.us](mailto:Cynthia.lovell@town.barnstable.ma.us)

**10. WORKSHOP DISCUSSIONS**

**FISCAL POLICY AND REVENUE STRATEGY**  
**Mark Ells, Town Manager, and Mark Milne, Finance Director**

**SPECIAL EVENTS / USE OF TOWN PROPERTY**  
**David Anthony, Director of Asset Management**

**11. ADJOURNMENT**

**NEXT REGULAR MEETING: October 09, 2025**

| ITEM NO.  | INDEX TITLE                                                                                                                                                                                                                                                                                                                                                                                                      | PAGE  |
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| <b>A.</b> | <b>OLD BUSINESS</b>                                                                                                                                                                                                                                                                                                                                                                                              |       |
| 2025-195  | Authorizing the Town Manager to execute a Development Agreement by and among the Town of Barnstable, Shoestring Properties, LLC, located at 110 and 115 School Street, Main Street Times, LLC, located at 319 and 331 Main Street, and 259 North Street LLC, located at 310 Barnstable Road, Hyannis <b>(Public Hearing) (Majority Vote)</b> .....                                                               | 5-13  |
| 2026-021  | Appropriation Order in the amount of <b>\$520,434</b> to design and construct improvements to Cotuit Memorial Park located at 889 Main Street in Cotuit <b>(Public Hearing) (Roll Call 2/3 Vote Full Council)</b> .....                                                                                                                                                                                          | 14-15 |
| 2026-028  | Vote on the merits of a group petition requesting that the town take action to acquire and preserve the home of Eugenia Fortes at 23 Pleasant Hill Lane and establish a permanent Wetlands Conservancy at 32 Pleasant Hill Lane <b>(Public Hearing) (Majority Vote)</b> .....                                                                                                                                    | 16-18 |
| 2026-029  | Resolve approving and adopting the Town of Barnstable 2025 Housing Production Plan dated May 12, 2025 <b>(Public Hearing) (Majority Vote)</b> .....                                                                                                                                                                                                                                                              | 19-21 |
| <b>B.</b> | <b>NEW BUSINESS</b>                                                                                                                                                                                                                                                                                                                                                                                              |       |
| 2026-031  | Authorization to contract for and expend a Fiscal Year 2026 grant from the United States Department of Agriculture Natural Resources Conservation Service in the amount of <b>\$100,000</b> for design of the upper Marstons Mills River Fish Passage Improvements <b>(May be acted upon) (Majority Vote)</b> .....                                                                                              | 22-23 |
| 2026-032  | Authorization to contract for and expend a Fiscal Year 2026 Grant from the United States Department of Agriculture Natural Resources Conservation Service in the amount of <b>\$178,925</b> for the design and construction of Little River Road Landing Stormwater Improvements <b>(May be acted upon) (Majority Vote)</b> .....                                                                                | 24-25 |
| 2026-033  | Authorization to contract for and expend a Fiscal Year 2026 Municipal Digital Equity Implementation grant from the Massachusetts Technology Collaborative in the amount of <b>\$100,000</b> for the purpose of upgrading the public Wi-Fi at the Hyannis Youth and Community Center <b>(May be acted upon) (Majority Vote)</b> .....                                                                             | 26-27 |
| 2026-034  | Authorization to contract for and expend a Fiscal Year 2026 Regional Public Safety Answering Point and Regional Emergency Communications Center Development Grant in the amount of <b>\$861,378</b> from the Commonwealth of Massachusetts, Executive Office of Public Safety and Security <b>(May be acted upon) (Majority Vote)</b> .....                                                                      | 28-30 |
| 2026-035  | Appointments to a Board/Committee/Commission: <b>Disability Commission:</b> Christopher Bartley as a regular member to a term expiring 6/30/2028; <b>Planning Board:</b> Catherine Finkenaedt as a regular member to a term expiring 6/30/2028 <b>(First Reading) (Refer to Second Reading 10/09/2025)</b> .....                                                                                                 | 31    |
| 2026-036  | Reappointments to a Board/Committee/Commission: <b>Human Services Committee:</b> Kimberly Crocker-Crowther as a regular member to a term expiring 6/30/2028; <b>Planning Board:</b> Raymond Sexton as a regular member to a term expiring 6/30/2028; <b>Waterways Committee:</b> Gary Shramek as a regular member to a term expiring 6/30/2028 <b>(First Reading) (Refer to Second Reading 10/09/2025)</b> ..... | 32    |

**Please Note:** The lists of matters are those reasonably anticipated by the Council President which may be discussed at the meeting. Not all items listed may be discussed and other items not listed may be discussed to the extent permitted by law. It is possible that if it votes, the Council may go into executive session. The Council may also act on items in an order other than as they appear on this agenda. Persons interested are advised that in the event any matter taken up at the meeting remains unfinished at the close of the meeting, it may be continued to a future meeting, and with proper notice.

**A. OLD BUSINESS (Public Hearing) (Majority Vote)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2025-195**

**INTRO: 06/26/2025, 07/17/2025, 08/21/2025, 09/18/2025**

**2025-195 AUTHORIZING THE TOWN MANAGER TO EXECUTE A DEVELOPMENT AGREEMENT BY AND AMONG THE TOWN OF BARNSTABLE, SHOESTRING PROPERTIES, LLC, LOCATED AT 110 AND 115 SCHOOL STREET, MAIN STREET TIMES, LLC, LOCATED AT 319 AND 331 MAIN STREET, AND 259 NORTH STREET LLC, LOCATED AT 310 BARNSTABLE ROAD, HYANNIS**

**ORDERED:** That the Town Council hereby authorizes the Town Manager pursuant to Section 9-6 of Chapter 9 and Chapter 168 of the Town Code of the Town of Barnstable (the “Code”), to enter into and execute a Development Agreement by and among the Town of Barnstable and three Applicants:

1. Shoestring Properties, LLC for the properties located at 110 & 115 School Street, Hyannis, MA 02601 (“Dockside”), as shown on Town of Barnstable Assessors Map 326, Parcels 121 and 125, and more particularly described in Book 10473, Page 204, and Book 642, Page 74.
2. Main Street Times LLC for properties located at 319 and 331 Main Street, Hyannis, MA 02601 (“Cape Cod Times”), as shown on the Town of Barnstable Assessors Map 327, Parcels 102 and 106 and more particularly described in Book 32746, Page 290.
3. 259 North Street LLC for property located at 310 Barnstable Road, Hyannis, MA 02601 (“310 Barnstable”), as shown on the Town of Barnstable Assessors Map 310, Parcel 143 and more particularly described in Barnstable County Land Registration Office of the Land Court Registry Certificate #137681, as shown on Land Court Plan 16462-A Lot C, 16462-E Lot 2.

Collectively the three properties are referred to as the “Applicants’ Properties.”

This Development Agreement grants the requested relief concerning the Applicants’ requirements to dedicate a total of ten (10) residential housing units, in perpetuity, to the Town of Barnstable’s Inclusionary Affordable Housing Inventory, as required for the development of the Applicants’ Properties under Chapter 9, Article 1, of the Code and as part of their project permitting. The Town Council further authorizes the Town Manager, on behalf of the Town, to acquire, for no monetary consideration, from 259 North Street LLC a perpetual Affordable Housing Restriction, pursuant to G.L. c. 184, sections 31-32 and meeting the requirements for the Deed Restriction, as defined in the Development Agreement. It is hereby further ordered that the Town Manager is authorized to accept, negotiate, execute, receive, deliver and record any written instruments necessary to effectuate this Order.

**DEVELOPMENT AGREEMENT**  
**BY AND AMONG**  
**THE TOWN OF BARNSTABLE**

**AND**

SHOESTRING PROPERTIES, LLC  
MAIN STREET TIMES, LLC  
259 NORTH STREET, LLC

This Development Agreement ("Agreement") is entered into by and among the applicants, **Shoestring Properties, LLC, Main Street Times LLC , and 259 North Street LLC** (collectively the "Developers" or "Applicants") and the **Town of Barnstable** (the "Town"), a Massachusetts municipal corporation with a mailing address of 367 Main Street, Hyannis, MA 02601, on this \_\_\_\_ day of \_\_\_\_\_, 2025, pursuant to Chapter 9, "Affordable Housing," of the Code of the Town of Barnstable ("Chapter 9") and Chapter 168 of the Code of the Town of Barnstable ("Chapter 168"). The Applicants are Massachusetts limited liability companies and share the mailing address of 297 North Street, Hyannis, MA 02601.

WITNESSETH:

WHEREAS, pursuant to Section 9-6 of Chapter 9 and Chapter 168 of the Town Code, the Town of Barnstable is authorized to enter this Agreement with the Developers.

WHEREAS, pursuant to Section 9-6 of Chapter 9 and Chapter 168 of the Town Code, the Town of Barnstable may enter into Development Agreements with qualified applicants in areas shown on the Regulatory Agreements District Map. Chapter 9 authorizes the Town to enter into Development Agreements "in accordance with Section 14 of the Cape Cod Commission Act ... which provides for the development of affordable housing in the Town and establishes the permitted uses, densities, location and other characteristics of the development." The subject properties are located within the area delineated for regulatory agreements.

WHEREAS, the Town of Barnstable has issued and approved building permits for the Developers' Properties at Shoestring Properties, LLC Project at 110 and 115 School Street, Hyannis, MA 02601 ("Dockside"); Main Street Times LLC Project at 319 and 331 Main Street, Hyannis, MA 02601 ("Cape Cod Times"); and 259 North Street LLC Project at 310 Barnstable Road, Hyannis, MA 02601 ("Barnstable Road") as described herein. Each Developer's project is referred to herein, as applicable, a "Property"; and the Developers' projects collectively referred to as the "Properties." The Properties are defined more specifically in "Exhibit A" attached hereto and incorporated herein.

WHEREAS, each such approval and building permit was subject to the Developers each designating a number of one-bedroom and two-bedroom units to the Town of Barnstable Inclusionary Affordable ("Inclusionary Affordable") rental or ownership inventory with Deed Restrictions in perpetuity as required by Chapter 9.

WHEREAS, there are ten (10) total units required to be so designated as Inclusionary Affordable Units by the Developers broken down as follows:

- Dockside at 110 and 115 School Street(5): (3) 1BR Units; (2) 2BR Units
- Cape Cod Times at 319 and 331 Main Street(2): (1) 1BR Unit; (1) 2BR Unit
- Barnstable Road at 310 Barnstable Road(3):(2) 1BR Units; (1) 2BR Unit

WHEREAS, the Dockside is currently at the early stages of development with expected occupancy in 2026.

WHEREAS, the Cape Cod Times currently has designated two (2) as Inclusionary Affordable Units;

WHEREAS, 310 Barnstable Road has been fully renovated and repurposed to residential housing and is ready for occupancy with three (3) Inclusionary Affordable Units to be designated.

WHEREAS, the Developers propose to redirect and dedicate the Inclusionary Affordable Units from Cape Cod Times and Dockside (a total of 7 units) to 310 Barnstable Road.

WHEREAS, the designation of the Inclusionary Affordable Units comply with Chapter 9 of the Town Code and by redirecting and dedicating seven (7) of the Inclusionary Affordable Units to 310 Barnstable Road, the Developers will fulfill their obligations to the Town under the Developers' project permitting and Chapter 9.

WHEREAS, the Town and Developers desire to enter into a Development Agreement and this Agreement reflects their respective understandings and agreements with regard to the proposed redirection and designation of seven of the Inclusionary Affordable units to 310 Barnstable Road.

WHEREAS, the Developers commit to designation of ten (10) Inclusionary Affordable units in accordance with this Agreement and shall provide that 70% of the units be designated for town residents.

WHEREAS, the Developers have agreed that of the two two-bedroom units to be relocated from Dockside to 310 Barnstable, the Developers will upgrade the units to three-bedroom units, which are in very high demand;

WHEREAS, the Developers have represented that the Developers' projects, individually or collectively, will not require regulatory review under the Massachusetts Environmental Policy Act (MEPA);

WHEREAS, the Agreement is not subject to review by the Cape Cod Commission as a Development of Regional Impact due to its location in the Growth Improvement Zone (GIZ) and due to the adoption of Barnstable County Ordinance 2006-06 establishing a cumulative development threshold within the GIZ, under which this Redevelopment may proceed.

WHEREAS, the redirecting and designation of seven of the Inclusionary Affordable Units to 310 Barnstable Road and the Town's release of the Inclusionary Affordable Units at Dockside and Cape Cod Times was reviewed and approved by the Barnstable Housing Committee on January 23, 2025, at which time the Committee voted 3:0 to recommend favorable action.

WHEREAS, the Agreement has undergone a public hearing, which was opened and closed on February 24, 2025, and received an affirmative 4:0 majority vote from the Planning Board on February 24, 2025; and,

WHEREAS, the Agreement has undergone a public hearing which opened on \_\_\_\_\_ and closed on \_\_\_\_\_ before the Barnstable Town Council and received a \_\_\_\_\_ vote on \_\_\_\_\_, 2025;

**NOW, THEREFORE**, for and in consideration of the rights and privileges set forth in this Agreement and in accordance with its terms, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Developers, for themselves and their successors and assigns, hereby grant and jointly and severally agree that the Properties shall be subject to the following rights and restrictions which are hereby imposed for the benefit of, and enforceable by the Town.

1. Definitions.

In this "Agreement", in addition to the terms defined above, the following words and phrases shall have the following meanings:

**Area** means the Metropolitan Statistical Area which includes the Town.

**Deed Restriction** shall have the meaning set forth in Section 2(e) below.

**Eligible Tenant** means an individual or household earning no more than 100% of the Barnstable area median income (AMI), as most recently published by HUD. If HUD discontinues publication of median income statistics, then the Monitoring Agent shall designate another measure of eligible income.

**HUD** means the United States Department of Housing and Urban Development.

**Monitoring Agent** means the Town or any successor or designee appointed by the Town.

**Inclusionary Affordable Unit** means a dwelling unit that by deed restriction is and will remain(a) available for sale and sold at a selling price that will result in an annual shelter cost of not more than 30% of the annual household income of a qualified affordable housing unit purchaser or (b) available for rental and rented at an annual rent that will result in an annual shelter cost of not more than 30% of the annual household income of a qualified affordable housing unit tenant, not including any unit rented to a tenant receiving rental assistance under 42 U.S.C. section 1437f or any similar rental assistance program

**Term** means in perpetuity.

## 2. Affordability

The Developers agree to construct the project in accordance with plans and specifications approved by the Town and shall comply with the following requirements:

- a. On or within ninety (90) days from the effective date of this Agreement, the Developers will redirect and designate the two inclusionary units (1-BR Unit and 2-BR unit) at Cape Cod Times to 310 Barnstable Road and will encumber the two units with a Deed Restriction as Inclusionary Affordable units in lieu of the two current units at Cape Cod Times.
- b. On or within ninety (90) days from the effective date of this Agreement, the Developers will redirect and designate the five (5) Affordable Inclusionary units (3-1BR units and 2-2 BR) at the Dockside project to 310 Barnstable Road and will upgrade the two two-bedroom units to two three-bedroom units, all of which will be encumbered with a Deed Restriction as Inclusionary Affordable units.
- c. The Developers will then have a total of ten (10) Inclusionary Affordable Units at 310 Barnstable Road immediately available for use and occupancy, rather than waiting several years for the Dockside at 110 and 115 School Street five (5) units to be built and occupied. The seven inclusionary units at 310 Barnstable Road will be immediately available for rent in lieu of the five units at the Dockside and the two units at Cape Cod Times at 319 and 331 Main Street. Of the 10 Units, 70% will be dedicated to Town residents.
- d. The Developers will be responsible for all costs associated with redesignation of the seven (7) Inclusionary Affordable units from Cape Cod Times and Dockside to 310 Barnstable Road, including the payment of all recording fees to record the Deed Restrictions and discharging the current deed restrictions on the Cape Cod Times and Dockside.
- e. "Deed Restriction" in this Agreement shall mean a perpetual Affordable Housing Restriction, which shall run with the land comprising the applicable 259 North Street LLC's property at 310 Barnstable Road, as described in Exhibit A, to be granted by the property owner, 259 North Street LLC, and accepted in writing by the Town pursuant to G.L. c. 184, §§ 31-32, and addressing, at a minimum, the requirements for the (10) Inclusionary Affordable Units and Sections 9-7 and 9-8 of Chapter 9 and Chapter 168 of the Town Code. The Parties understand and acknowledge that the Deed Restriction will require approval by the state Executive Office of Housing and Living Communities (EOHLC). If EOHLC withholds approval or fails to act on the Deed Restriction required under this Agreement, then the Town may rescind the Agreement and the Developers' obligations for Inclusionary Housing Units, including the location of the units, will be as existing prior to execution of the Agreement.

Prior to finalizing and executing the Deed Restriction, the Developers, at their sole cost, shall cause a licensed attorney in good standing in the Commonwealth to undertake a title examination and certify title to the 310 Barnstable Road properties, as described in Exhibit A, in writing to the Town of Barnstable. The title examination and certification shall be performed to specifications acceptable to the Town and

shall include a detailed narrative of title.

Prior to recording the executed Deed Restriction, the Developers shall cause any lien, mortgage, easement, or other encumbrance or interest of record affecting the 310 Barnstable Road property, as described in Exhibit A, to be fully subordinated, with no conditions and subject to the consent of the Town, to the Deed Restriction. The Developers shall cause said subordination instruments to be recorded prior to recording the Deed Restriction. The Deed Restriction, subordination instruments and any other necessary documents shall be recorded at the expense of the Developers.

- f. The Developers agree not to apply for Certificates of Occupancy for the Properties until all conditions of this Agreement have been met, including finalizing and recording the Deed Restriction.
- g. This Agreement is transferable to a person or entity other than the Developers (hereafter, the "Transferees") with prior written notice to the Town Manager and contingent upon the Developers demonstrating in writing their compliance with all the requirements of this Agreement and subject to the written consent of the Town Manager. However, no such notice to the Town shall be effective unless it includes a written acknowledgment by the Transferees that they have read this Agreement, and any amendments thereto, and they agree to be bound by the terms and conditions set forth herein, in which event after such assignment the transferor shall be relieved of liability from and after the date of transfer. Upon receipt of such written notice of transfer, and subject to a determination by the Town Manager that the Developers are in compliance with all the then-applicable requirements of the Agreement, the Transferees and the Town Manager shall execute a minor amendment to this Agreement acknowledging: the Transferees are a signatory to this Agreement, the Transferees agree to be bound by the terms and conditions set forth herein and any subsequent amendments hereto, and that the Transferees assume all obligations under the Agreement. No Planning Board or Town Council approval is required for such a minor amendment acknowledging such a transfer in ownership.
- h. This Agreement may not be used to prevent the Town of Barnstable or other governmental agency from requiring qualified applicants to comply with the laws, rules and regulations and policies enacted after the date of this Agreement, if the Town of Barnstable or governmental agency determines that the imposition of and compliance with the newly effective laws and regulations are essential to ensure the public health, safety or welfare of the residents of all or part of the Town.

3. Non-discrimination.

The Developers shall not discriminate on the basis of race, creed, religion, color, sex, age, handicap, marital status, national origin, sexual orientation, familial status, genetic information, ancestry, children, receipt of public assistance, or any other basis prohibited by law in the selection of tenants; and the Developers shall not so discriminate in connection with the employment or application for employment of persons for the construction, operation or management of the Properties.

4. Inspection.

The Developers agree to comply and to cause the Properties to comply with the Agreement application as approved by the Barnstable Housing Committee at its meeting of January 23, 2025 and by the Planning Board at its meeting of February 24, 2025, and all other applicable laws, rules and regulations. The Town shall have access during normal business hours to all books and records of the Developers and the Properties upon reasonable prior written notice to the Developer in order to monitor the Developers' compliance with the terms of this Agreement but without any unreasonable interference with the operations at the Properties.

5. Recording.

Upon execution, the Developers shall immediately cause this Agreement and any amendments hereto to be recorded with the Barnstable County Registry of Deeds, or, if the Properties consist in whole or in part of registered land, file this Agreement and any amendments hereto with the Registry District of the Land Court for the County where the Properties are located (collectively hereinafter the "Registry of Deeds"), and the

Developers shall pay all fees and charges incurred in connection therewith. Upon recording or filing, as applicable, the Developers shall as soon as possible transmit to the Town evidence of such recording or filing including the date and instrument, book and page or registration number of the Agreement.

6. Representations.

The Developers hereby represent and warrant as follows:

(a) The Developers (i) have the power and authority to own their properties and assets and to carry on its business as now being conducted, and (ii) have the full legal right, power and authority to execute, deliver and fully perform their obligations under this Agreement.

(b) The execution and performance of their obligations under this Agreement by the Developers

(i) will not violate or, as applicable, has not violated any provision of law, rule or regulation, or any order of any court or other agency or governmental body to which the Project or Properties are subject, and (ii) will not violate or, as applicable, has not violated any provision of any indenture, agreement, mortgage, mortgage note, or other instrument to which the Developers are parties or by which they or the Project or Properties are bound, and (iii) will not result in the creation or imposition of any prohibited encumbrance of any nature.

(c) The Developers will, at the time of execution and delivery of this Agreement, have good and marketable title to the Properties free and clear of any lien or encumbrance (subject to encumbrances created pursuant to this Agreement, any loan documents relating to the Project or Properties, or other permitted encumbrances, including mortgages referred to in paragraph 12, below).

(d) There is no action, suit or proceeding at law or in equity or by or before any governmental instrumentality or other agency now pending, or, to the knowledge of the Developers, threatened against or affecting it, or any of its properties or rights, which, if adversely determined, would materially impair its right to carry on business substantially as now conducted (and as now contemplated by this Agreement) or would materially adversely affect their financial condition.

7. Transfer Restrictions.

Subject to demonstrating compliance in writing and the consent of the Town Manager as set forth in Section 2(g) above and prior to any approved transfer of ownership of the Project or Properties, the Developers agree to secure from the Transferee a written agreement stating that Transferee will assume in full the Developers' obligations and duties under this Agreement and provide a copy of said executed written agreement to the Town thirty (30) days prior to any such transfer.

8. Amendment.

Any Developer that is party to this Agreement may petition the Town of Barnstable to amend or rescind this Agreement pursuant to the terms of Chapter 168-10 of the Town Code.

9. Notices.

All notices to be given pursuant to this Agreement shall be in writing and shall be deemed given when delivered by hand or when mailed by certified or registered mail, postage prepaid, return receipt requested, to the parties hereto at the addresses set forth below, or to such other place as a party may from time to time designate by written notice.

IN WITNESS WHEREOF, the Parties, each duly authorized, have hereunto caused this Agreement to be executed as a sealed instrument on the day and year first above written.

Applicants:

**Town of Barnstable**

**Shoestring Properties, LLC**

By:

By its sole manager:

**Holly Management and Supply Corporation**

\_\_\_\_\_  
**Stuart A. Bornstein,  
President and Treasurer**

\_\_\_\_\_  
**Mark S. Ells, Town Manager**

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**Main Street Times LLC**

By:

\_\_\_\_\_  
**Aaron B. Bornstein, Manager**

Date: \_\_\_\_\_

**259 North Street LLC**

By its sole manager:

**Holly Management and Supply Corporation**

\_\_\_\_\_  
**Stuart A. Bornstein**

Date: \_\_\_\_\_

**EXHIBIT A**  
**PROPERTY DESCRIPTION**

Property address: 110 and 115 School Street, Hyannis, MA 02601(Dockside); Assessors Map 326, Parcels 121 and 125

The land together with the buildings thereon situated in the Town of Barnstable (Hyannis), Barnstable County Massachusetts described as follows:

**Parcel I** – being the same premises shown on a plan of land entitled “Plan of Land in Hyannis – Barnstable, Mass. belonging to Lewis Bay Lodge, Inc., Scale: 1” = 50’ dated December 20, 1961, John C. O’Toole, Surveyor” and recorded with said Deeds in Plan Book 167, Page 41 to which reference may be made for a more detailed description.

Together with all littoral rights appurtenant thereto and together with all rights over the streets and ways as shown on said plan in common with all others lawfully entitled to use the same for all purposed for which streets or ways are commonly used in the Town of Barnstable, Massachusetts.

**Parcel II** – being the land located in Barnstable (Hyannis) containing by calculation 24,819 square feet of land, more or less and being delineated as PARCEL A on a plan entitled “Land in Hyannis, Massachusetts owned by Lewis Bay Motel, Restaurant & Marine, Inc.” dated January 24, 1992 by Bouley Brother, Inc., Registered Land Surveyors, Worcester, MA” and recorded in Plan Book 485, Page 93.

Subject to and together with all rights, reservations, easement and restrictions of record insofar as the same are in force and applicable.

**For title see Deed recorded in Book 10473, Page 204.**

Property address: 331 Main Street, Hyannis, MA 02601 (Cape Cod Times); Assessors Map 327, Parcels 102 and 106

**Parcel One** – That certain parcel of land situated in the Town of Barnstable (Hyannis), Barnstable County, Massachusetts described as follows:

Beginning at the Northeast corner of the granted premises at a concrete bound in the Southerly line of Main Street and at the Northwest corner of a right of way hereinafter mentioned; and thence running South 15°09’East in the Westerly sideline of said hereinafter mentioned right of way through a concrete bound two hundred eight (280) feet, more or less to land of Claretta M. Stuart; and thence running South 60°52’10”West eight-four and 90/100 (84.90) feet, more or less by land of said Stuart to a stone bound and land of Hyannis Women’s Club; and thence running North 16°24’20”West by land of Hyannis Women’s Club, Georgie A. Kenney and Inter Cities Realty Corporation, two hundred sixty-nine and 40/100 (269.40) feet, more or less to a drill hole in a concrete bound at Main Street; and thence running North 73°44’East by said Main Street ninety and 36/100 (90.36) feet, more or less to a concrete bound at the point of beginning.

Together with a right of way in common with others entitled thereto over a twenty-five (25) foot right of way extending Southerly from Main Street to the Northerly line of land of said Claretta M. Stuart adjoining the Easterly line of the above-described premises. Said right of way is to be used only in any manner reasonably required for travel to and from Main Street in connection with the use of the premises.

**Parcel Two** - That certain parcel of land situated in the Town of Barnstable (Hyannis), Barnstable County, Massachusetts containing an area of 35,400 square feet, more or less and being shown on plan entitled “Plan of Land – Hyannis – Barnstable, Mass. as surveyed for Claretta Stuart, Scale: 1” = 40’ dated December 1956, Whitney & Bassetts, Architects & Engineers, Hyannis, Mass.,” which plan is recorded in Plan Book 132, Page 35.

Excepting from the above land is that certain parcel of land being shown as Parcel A on plan recorded in Plan Book 215, Page 147 and more particularly described in a Deed from Ottaway Newspapers-Radio, Inc. to the

Town of Barnstable dated October 26, 1967, and recorded in Book 1385, Page 439.

Together with rights of access as reserved in Deed recorded in Book 1385, Page 439.

**Parcel Three** - That certain parcel of land situated in the Town of Barnstable (Hyannis), Barnstable County, Massachusetts bounded and described as follows:

On the West about eighty-eight and 5/10 (88.5) feet by Ocean Street; and On the North about ninety-five and 13/100 (95.13) feet by land now or formerly of the Investor's Security Trust; and On the East about eight-four and 38/100 (84.38) feet by land formerly of Hugh R. Ferguson; and on the South about ninety-nine and 5/10 (99.5) feet by land of the Hyannis Women's Club.

**Parcel Four** - That certain parcel of land situated in the Town of Barnstable (Hyannis), Barnstable County, Massachusetts shown on a land of "Hyannis Women's Club" on a plan entitled "Plan of Land in Hyannis, Barnstable, Mass. for E. Anthony & Sons, Inc." Scale: 1' = 40' and dated December 1962, David H. Greene, Surveyor, Hyannis, Mass. and recorded in Plan Book 242, Page 157.

**For title see Deed recorded in Book 32746, Page 290.**

Property address: 319 Main Street, Hyannis, MA 02601 (Cape Cod Times)

The land together with any buildings thereon located at 331 Main Street Hyannis, Barnstable County, Massachusetts situated at the corner of Main Street and Ocean Street in Hyannis, Barnstable County, Massachusetts being shown as LOTS A and B1 on a plan entitled "Subdivision of Land of Inter Cities Realty Corporation in Hyannis, Barnstable, Mass.," dated March 1935, prepared by Sumner Shein, CE and recorded in Plan Book 50, Page 111, to which reference may be made for a more detailed description. See also plan recorded in Plan Book 597, Page 70.

Excepting from the above-referenced parcel the Southwesterly corner thereof shown on plan recorded in Plan Book 53, Page 47 and bounded and described on Exhibit B of deed recorded in Book 32746, Page 290.

Subject to and with the benefit of all rights, reservations, easements and restrictions of record insofar as the same are in force and applicable.

**For title see Deed recorded at Book 32746, Page 290.**

Property address: 310 Barnstable Road, Hyannis, MA 02601 (Barnstable Road); Assessors Map 310, Parcel 143

The land situated in the Town of Barnstable (Hyannis), Barnstable County, Massachusetts being shown as **LOT C** on Land Court Plan No. 16462-A; and **LOT 1** on Land Court Plan No. 16462-E.

Subject to and with the benefit of all rights, reservations, easements and restrictions of record insofar as the same are in force and applicable.

**For title see Deed registered as Document No. 643,051 filed with Certificate of Title No. 137681.**

**A. OLD BUSINESS (Public Hearing) (Roll Call 2/3 Vote Full Council)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2026-021**  
**INTRO: 08/21/2025, 09/18/2025**

**2026-021 APPROPRIATION ORDER IN THE AMOUNT OF \$520,434 TO DESIGN AND CONSTRUCT IMPROVEMENTS TO COTUIT MEMORIAL PALK LOCATED AT 889 MAIN STREET IN COTUIT**

**ORDERED:** That pursuant to the provisions of the Community Preservation Act, G.L. c. 44B, the amount of **\$520,434** shall be appropriated to design and construct improvements to revitalize and improve Cotuit Memorial Park located at 889 Main Street in Cotuit, and to fund this appropriation that **\$406,262** be provided first from the amount set-aside for Open Space and Recreation within the Community Preservation Fund and secondly from the Community Preservation Undesignated Fund, and that **\$114,152** be provided from the Capital Trust fund; and that the Town Manager is authorized to contract for and expend the appropriation made available for this purpose, subject to oversight by the Community Preservation Committee.

**SPONSOR:** Mark S. Ells, Town Manager, upon recommendation of the Community Preservation Committee

| DATE              | ACTION TAKEN                              |
|-------------------|-------------------------------------------|
| <u>08/21/2025</u> | <u>Refer to Public Hearing 09/18/2025</u> |

|       |                               |
|-------|-------------------------------|
| _____ | Read Item                     |
| _____ | Motion to Open Public Hearing |
| _____ | Rationale                     |
| _____ | Public Hearing                |
| _____ | Close Public Hearing          |
| _____ | Council Discussion            |
| _____ | Vote                          |

# BARNSTABLE TOWN COUNCIL

ITEM# 2026-021  
INTRO: 08/21/2025 09/18/2025

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Lindsey Counsell, Chair, Community Preservation Committee, on behalf of the Community Preservation Committee  
**DATE:** August 21, 2025  
**SUBJECT:** Appropriation Order in the amount of **\$520,434** to design and construct improvements to Cotuit Memorial Park located at 889 Main Street in Cotuit

**BACKGROUND:** At the July 21, 2025, Community Preservation Committee (CPC) meeting, the seven committee members present voted unanimously to recommend to the Town Council, through the Town Manager, the Department of Public Work's (DPW) application for \$406,282 in Community Preservation Act (CPA) funds to design and construct improvements to Cotuit Memorial Park, which is owned by the Town. DPW plans on undertaking work to revitalize and improve the park, including, among other things, improving accessibility by bringing non-conforming walkways into compliance with the Americans with Disabilities Act, and replacing park benches, a deteriorated flagpole, decaying trees, and deteriorated asphalt walks with new brick paver walks, asphalt walks, trees and a flagpole. The Cotuit Civic Association has requested the rejuvenation of this park that is the focal point for Cotuit Village connecting the library, waterfront, playground and post office.

**FISCAL IMPACT:** The \$406,282 of Community Preservation Funding recommended by the CPC shall be funded first from the amount set aside for Open Space and Recreation within the Community Preservation Fund and any balance shall be funded secondly from the Community Preservation Undesignated Fund. The total estimated cost of the project is \$520,434, with \$114,152 in Capital Trust funds to be utilized in addition to the proposed CPA funds.

**TOWN MANAGER RECOMMENDATION:** Mark S. Ells, Town Manager, upon recommendation of the Community Preservation Committee

**STAFF ASSISTANCE:** Mark A. Milne, Director of Finance; Thomas J. LaRosa, First Assistant Town Attorney

**VOLUNTEER ASSISTANCE:** Lindsey Counsell, Chair, Community Preservation Committee

**A. OLD BUSINESS (Public Hearing) (Majority Vote)**  
**BARNSTABLE TOWN COUNCIL**

**ITEM# 2026-028**  
**INTRO: 09/04/2025, 09/18/2025**

**2026-028 VOTE ON THE MERITS OF A GROUP PETITION REQUESTING THAT THE TOWN TAKE ACTION TO ACQUIRE AND PRESERVE THE HOME OF EUGENIA FORTES AT 23 PLEASANT HILL LANE AND ESTABLISH A PERMANENT WETLANDS CONSERVANCY AT 32 PLEASANT HILL LANE**

**RESOLVED:** That the Town Council does hereby vote to find that the group petition submitted to it on June 27, 2025, requesting that the Town take action to acquire and preserve the home of Eugenia Fortes at 23 Pleasant Hill Lane and establish a permanent wetlands conservancy at 32 Pleasant Hill Lane, as more specifically set forth in the petition attached hereto and incorporated herein, has merit.

**SPONSOR:** Craig R. Tamash, Town Council President

| DATE              | ACTION TAKEN                              |
|-------------------|-------------------------------------------|
| <u>09/04/2025</u> | <u>Refer to Public Hearing 09/18/2025</u> |

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| <input type="checkbox"/> | Read Item                     |
| <input type="checkbox"/> | Motion to Open Public Hearing |
| <input type="checkbox"/> | Rationale                     |
| <input type="checkbox"/> | Public Hearing                |
| <input type="checkbox"/> | Close Public Hearing          |
| <input type="checkbox"/> | Council Discussion            |
| <input type="checkbox"/> | Vote                          |

# The Commonwealth of Massachusetts

DATE and TIME this paper received  
by Registrar  
27 JUN '25 PM 12:25  
BARNSTABLE TOWN

## PETITION

### TOWN OF BARNSTABLE

#### SUBJECT OR SUBJECTS REQUESTED

(To be filled in by petitioner. If space is insufficient, attach additional page of description to each petition form before signatures are gathered.)

#### **Preserve the Home of Eugenia Fortes and Establish the Pleasant Hill Wetlands Conservancy**

We, the undersigned registered voters respectfully petition the Town of Barnstable to take immediate action to:

1. Preserve the home of Eugenia Fortes at 23 Pleasant Hill Lane as a designated local cultural heritage site, honoring her extraordinary legacy as a civil rights leader, community advocate, and one of the most respected figures in Hyannis history.
2. Establish a permanent wetlands conservancy at 32 Pleasant Hill Lane, protecting vital natural habitat at the head of the Stewart's Creek watershed from further development and ecological degradation.

#### **WE CALL ON THE TOWN TO:**

Formally recognize the Fortes home as a site of cultural and historical significance. Halt all further development approvals at 32 Pleasant Hill Lane and prioritize permanent protection. Acquire and preserve these properties. Support a community-driven vision for the area.

# BARNSTABLE TOWN COUNCIL

**ITEM# 2026-028**

**INTRO: 09/04/2025, 09/18/2025**

## SUMMARY

**TO:** Town Council  
**FROM:** Karen L. Nober, Town Attorney  
**DATE:** September 04, 2025  
**SUBJECT:** Vote on the merits of a group petition requesting that the town take action to acquire and preserve the home of Eugenia Fortes at 23 Pleasant Hill Lane and establish a permanent Wetlands Conservancy at 32 Pleasant Hill Lane

**BACKGROUND:** On June 27, 2025, Lisa DaLuz submitted to the Town Clerk a Group Petition pursuant to Section 8-7(b) of the Town Charter, requesting that the Town take action to acquire and preserve the home of Eugenia Fortes at 23 Pleasant Hill Lane and establish a permanent wetlands conservancy at 32 Pleasant Hill Lane, as more specifically set forth in the petition attached hereto.

The Town Clerk has certified that the petition contains the signatures of at least 150 registered voters of the Town, as required by the Charter.

As set forth in the Charter, the action to be taken by the Council is simply a vote on whether the request has merit. It is not a vote to approve the request as written. If the Council concludes that the request has merit, then it will be up to Council leadership and the full Council to consider what, if any, actions it may wish to take. To ensure compliance with the Open Meeting Law, any action by the Council, other than the vote on the merits, should take place at a future Town Council meeting so that it may be properly noticed on that meeting's agenda.

**STAFF SUPPORT:** Karen L. Nober, Town Attorney; Thomas J. LaRosa, First Assistant Town Attorney

**A. OLD BUSINESS (Public Hearing) (Majority Vote)**

# BARNSTABLE TOWN COUNCIL

**ITEM# 2026-029**

**INTRO: 09/04/2025, 09/18/2025**

**2026-029 RESOLVE APPROVING AND ADOPTING THE TOWN OF BARNSTABLE 2025 HOUSING PRODUCTION PLAN DATED MAY 12, 2025**

**WHEREAS**, the Town of Barnstable 2025 Housing Production Plan contains a comprehensive housing needs assessment, affordable housing goals and implementation strategies to achieve the Plan's goals and develop affordable housing in the Town of Barnstable; and

**WHEREAS**, a draft of the Housing Production Plan has been made available for public review on the Town website since June 6, 2024; and

**WHEREAS**, the Town of Barnstable draft Housing Production Plan was presented to the Town of Barnstable Planning Board at duly noticed public meetings held on June 24, 2024, October 28, 2024, and November 25, 2024; and

**WHEREAS**, at its November 25, 2024 meeting, the Planning Board unanimously voted to recommend approval of the Housing Production Plan to the Barnstable Town Council; and

**WHEREAS**, at its February 27, 2025 meeting, the Town Council voted to recommend further community outreach;  
and

**WHEREAS**, a draft of the Housing Production Plan was made available for public review on the Town website following the February 27, 2025 meeting of Town Council, and additional community meetings were held on April 7, 2025 and April 10, 2025; and

**WHEREAS**, the draft Housing Production Plan was updated to reflect public comment and new available data; and

**WHEREAS**, the draft Housing Production Plan date has been updated to May 12, 2025; and

**WHEREAS**, the draft Housing Production Plan dated May 12, 2025 was presented to the Town of Barnstable Planning Board at a duly noticed public meeting held July 28, 2025; and

**WHEREAS**, at its July 28, 2025 meeting, the Planning Board unanimously voted to recommend approval of the Housing Production Plan dated May 12, 2025 to the Barnstable Town Council;

**NOW, THEREFORE, BE IT RESOLVED:** That the Barnstable Town Council hereby approves and adopts the Town of Barnstable 2025 Housing Production Plan dated May 12, 2025, in the form as provided to the Town Council and presented at this meeting, and authorizes the Town Manager to submit the Housing Production Plan to the Executive Office of Housing and Livable Communities for approval.

**SPONSOR:** Councilor Paula Schnepf, Precinct 12

DATE  
09/04/2025

**ACTION TAKEN**  
Refer to Public Hearing 09/18/2025

☐ Read Item  
☐ Rationale  
☐ Council Discussion  
☐ Vote

# BARNSTABLE TOWN COUNCIL

ITEM# 2026-029  
INTRO: 09/04/2025

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** James Kupfer, Director, Planning & Development Department  
**DATE:** September 04, 2025  
**SUBJECT:** Resolve approving and adopting the Town of Barnstable 2025 Housing Production Plan dated May 12, 2025

A Housing Production Plan (HPP), as defined by the Massachusetts Executive Office of Housing and Livable Communities (EOHLC), is designed to be a proactive strategy for planning and developing affordable housing. The HPP shall follow the strict requirements of 760 CMR 56.03(4). EOHLC has confirmed in writing that only Planning Board and Town Council approvals are required for the HPP.

Per the requirements, the HPP shall contain at a minimum the following elements, covering a time period of five years: 1. Comprehensive housing needs assessment; 2. Affordable housing goals; and 3. Implementation strategies.

The Town of Barnstable has developed the Housing Production Plan to identify these requirements including goals, strategies, and potential actions to identify ways in which the Town of Barnstable may support affordable housing and to build upon the efforts first outlined in the draft 2016 HPP. Additionally, this plan provides updated demographic data as well as an analysis of local housing conditions. The plan also outlines the Town's development constraints and limitations, and local and regional capacity to create and preserve affordable and mixed-income housing in the community.

The Housing Production Plan was presented to the Town of Barnstable Planning Board at duly noticed public meetings held on June 24, 2024, October 28, 2024, and November 25, 2024. On November 25, 2024, the Planning Board unanimously voted to recommend approval of the Housing Production Plan to the Barnstable Town Council.

At the Town Council's February 27, 2025 meeting, the Town Council voted not to recommend approval of the plan but to recommend further community outreach. A draft of the Housing Production Plan has been made available for public review on the Town website following the February 27, 2025 meeting of Town Council in addition, two community meetings were held on April 7, 2025 and April 10, 2025 to seek further public comment. The draft Housing Production Plan was updated to reflect public comment and new available data.

The Housing Production Plan was presented to the Town of Barnstable Planning Board at a duly noticed public meeting held on July 28, 2025. At that meeting, the Planning Board unanimously voted to recommend approval of the Housing Production Plan to the Barnstable Town Council.

Although this item is a resolve that could be approved with one reading, we are providing more process than what is required by adding a second reading and a public hearing to provide additional notice to the public as well as to give the public an opportunity to provide comment to the Council.

If approved by the Barnstable Town Council, the plan will be forwarded to the Massachusetts Executive Office of Housing and Livable Communities (EOHLC) for review and approval. EOHLC will review the Town's plan for approval to confirm it satisfies the requirements detailed in regulations 760 CMR 56.03(4).

**FISCAL IMPACT:** Approving the plan will make the Town of Barnstable eligible for a number of state and federal grants to address housing.

**TOWN MANAGER RECOMMENDATION:** Mark S. Ells, Town Manager, recommends approval of this item.

**STAFF SUPPORT:** James Kupfer, Director, Planning & Development Department

**B. NEW BUSINESS (May be acted upon) (Majority Vote)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2026-031**  
**INTRO: 09/18/2025**

**2026-031 AUTHORIZATION TO CONTRACT FOR AND EXPEND A FISCAL YEAR 2026 GRANT FROM THE UNITED STATES DEPARTMENT OF AGRICULTURE NATURAL RESOURCES CONSERVATION SERVICE IN THE AMOUNT OF \$100,000 FOR DESIGN OF THE UPPER MARSTONS MILLS RIVER FISH PASSAGE IMPROVEMENTS**

**RESOLVED:** That the Town Council does hereby authorize the Town Manager to contract for and expend a Fiscal Year 2026 Grant from the United States Department of Agriculture Natural Resources Conservation Service in the amount of **\$100,000** to further support design of the Upper Marstons Mills River Fish Passage Improvements Project.

**SPONSOR:** Mark S. Ells, Town Manager

| DATE  | ACTION TAKEN |
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\_\_\_\_ Read Item  
\_\_\_\_ Rationale  
\_\_\_\_ Council Discussion  
\_\_\_\_ Vote

# BARNSTABLE TOWN COUNCIL

**ITEM# 2026-031**  
**INTRO: 09/18/2025**

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Daniel W. Santos, P.E., Director of Public Works  
**DATE:** September 18, 2025  
**SUBJECT:** Authorization to contract for and expend a Fiscal Year 2026 grant from the United States Department of Agriculture Natural Resources Conservation Service in the amount of **\$100,000** for design of the upper Marstons Mills River Fish Passage Improvements

**BACKGROUND:** The Town of Barnstable has been awarded a \$100,000 grant from the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS). This grant will provide funding for additional design cost, totaling up to \$100,000 for design of a restored fishway from the Marstons Mills River to Middle Pond. This grant funding is in addition to a previous NRCS grant that was originally awarded in 2018 and amended in 2022.

**ANALYSIS:** An existing 1,100-foot timber fish ladder and fish diversion structure to Middle Pond is in disrepair, requiring frequent maintenance by the Town Marine and Environmental Affairs staff. Our current agreement with NRCS, provides funding to design and construct fish passage improvements for either the existing ladder or historic route through the bogs. After completing an alternatives analysis of the two routes, a decision was made to pursue design of the alternate route. The Town along with the engineering design consultant for the project, have completed 30% designs for this route and are in the process of preparing 60% designs. Acceptance of these additional grant funds will provide sufficient funding to bring the project through 100% design and bidding assistance. This project is anticipated for construction from fall 2026- spring 2027, pending receipt of permits.

**FINANCIAL IMPACT:** This is a reimbursement grant for \$100,000 to be combined with existing appropriation 14108. The Town must expend the funds upfront and subsequently submit for reimbursement. No matching funds are required for acceptance of this grant.

**TOWN MANAGER RECOMMENDATION:** Mark S. Ells, Town Manager, recommends approval of this item.

**STAFF ASSISTANCE:** Daniel W. Santos, P.E., Director of Public Works

**B. NEW BUSINESS (May be acted upon) (Majority Vote)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2026-032**  
**INTRO: 09/18/2025**

**2026-032 AUTHORIZATION TO CONTRACT FOR AND EXPEND A FISCAL YEAR 2026 GRANT FROM THE UNITED STATES DEPARTMENT OF AGRICULTURE NATURAL RESOURCES CONSERVATION SERVICE IN THE AMOUNT OF \$178,925 FOR THE DESIGN AND CONSTRUCTION OF LITTLE RIVER ROAD LANDING STORMWATER IMPROVEMENTS**

**RESOLVED:** That the Town Council does hereby authorize the Town Manager to contract for and expend a Fiscal Year 2026 Grant from the United States Department of Agriculture Natural Resources Conservation Service in the amount of **\$178,925** for the design and construction of the Little River Road Landing Stormwater Improvements Project.

**SPONSOR:** Mark S. Ells, Town Manager

| DATE  | ACTION TAKEN |
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☐ Read Item  
☐ Rationale  
☐ Council Discussion  
☐ Vote

# BARNSTABLE TOWN COUNCIL

**ITEM# 2026-032**  
**INTRO: 09/18/2025**

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Daniel W. Santos, P.E., Director of Public Works  
**DATE:** September 18, 2025  
**SUBJECT:** Authorization to contract for and expend a Fiscal Year 2026 Grant from the United States Department of Agriculture Natural Resources Conservation Service in the amount of **\$178,925** for the design and construction of Little River Road Landing Stormwater Improvements

**BACKGROUND:** The Town of Barnstable has been awarded a \$178,925 grant from the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS). This grant will provide funding for the design and 75% of the construction cost for the Little River Road Landing Stormwater Improvements Project, totaling up to \$178,925. The Town is responsible for 25% of construction costs, permitting, and other ineligible items. The Town's 25% portion of the cost is \$52,625 and the cost of permitting and other ineligible items are estimated at \$50,000, totaling \$102,625, which will be funded from existing appropriations.

**ANALYSIS:** Little River Road Landing is located on Cotuit Bay. This area of Cotuit Bay is designated as an Approved Shellfish Area by the Massachusetts Department of Marine Fisheries and contains five shellfish grant areas, two shellfish propagation areas, and multiple recreational shellfishing access points. Currently, stormwater from the end of Little River Road, carrying pollutants such as E.coli and nutrients, runs off into Cotuit Bay, threatening the health of nearby shellfisheries. Additionally, the runoff results in erosion of the sand path to the beach. Marine and Environmental Affairs staff have reviewed this location and identified this as an area needing stormwater improvements for protection of shellfish habitat. Acceptance of this grant will allow for evaluation, design, permitting, and implementation of stormwater improvements to capture and treat the first one inch of runoff, removing E. coli bacteria in the stormwater runoff from this area, thereby helping protect nearby recreational and commercial shellfisheries.

**FINANCIAL IMPACT:** This is a reimbursement grant for \$178,925. The Town must expend the funds upfront and subsequently submit for reimbursement. Matching funds will be provided from existing appropriations.

**TOWN MANAGER RECOMMENDATION:** Mark S. Ells, Town Manager, recommends approval of this appropriation order.

**STAFF ASSISTANCE:** Daniel W. Santos, P.E., Director of Public Works

**B. NEW BUSINESS (May be acted upon) (Majority Vote)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2026-033**  
**INTRO: 09/18/2025**

**2026-033 AUTHORIZATION TO CONTRACT FOR AND EXPEND A FISCAL YEAR 2026 MUNICIPAL DIGITAL EQUITY IMPLEMENTATION GRANT FROM THE MASSACHUSETTS TECHNOLOGY COLLABORATIVE IN THE AMOUNT OF \$100,000 FOR THE PURPOSE OF UPGRADING THE PUBLIC WI-FI AT THE HYANNIS YOUTH AND COMMUNITY CENTER**

**RESOLVED:** That the Town Council does hereby authorize the Town Manager to contract for and expend a Fiscal Year 2026 Municipal Digital Equity Implementation grant in the amount of **\$100,000** from the Massachusetts Technology Collaborative for the purpose of upgrading the public Wi-Fi at the Hyannis Youth and Community Center.

**SPONSOR:** Mark S. Ells, Town Manager

DATE

ACTION TAKEN

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\_\_\_\_ Read Item  
\_\_\_\_ Rationale  
\_\_\_\_ Council Discussion  
\_\_\_\_ Vote

# BARNSTABLE TOWN COUNCIL

## SUMMARY

**ITEM# 2026-033**  
**INTRO: 09/18/2025**

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** James Kupfer, Director, Planning & Development Department  
**DATE:** September 18, 2025  
**SUBJECT:** Authorization to contract for and expend a Fiscal Year 2026 Municipal Digital Equity Implementation grant from the Massachusetts Technology Collaborative in the amount of **\$100,000** for the purpose of upgrading the public Wi-Fi at the Hyannis Youth and Community Center

**BACKGROUND:** The Town of Barnstable was awarded a grant in the amount of \$100,000 to upgrade the public Wi-Fi at the Hyannis Youth and Community Center (HYCC). These funds were awarded by the Massachusetts Technology Collaborative to the Town following the Town's completion of a [Town of Barnstable Digital Equity Plan](#).

**ANALYSIS:** In 2024 the Town of Barnstable received a Municipal Digital Equity grant that allowed the Town to work with the Cape Cod Commission to develop a Digital Equity Plan for the town. By completing this plan, the Town gained access to funds through the Municipal Digital Equity Implementation Grant Program to address items outlined in the Digital Equity Plan.

The Town's Digital Equity Plan outlined key recommendations for digital equity initiatives in the community, which were informed through a community engagement process. The first recommendation states, *"Support improved internet connectivity by offering public Wi-Fi in key locations."*

Given this recommendation, and the fact that HYCC is a key community location that also serves as a warming shelter in cases of emergency, this project was developed as a collaborative effort between the Planning, IT, and Community Services departments. Wi-Fi and cellular signals in HYCC are currently very poor due to the amount of steel and concrete in the structure, so this grant will allow the Town to contract with an outside specialist to plan and implement a more robust system.

The project must be completed by the end of October 31, 2026.

**FINANCIAL IMPACT:** The grant is 100% reimbursable and budgeted for \$100,000; no matching funds are required.

**TOWN MANAGER RECOMMENDATION:** Mark S. Ells, Town Manager, supports this item.

**STAFF SUPPORT:** Planning & Development Department, IT Department

**B. BARNSTABLE TOWN COUNCIL (May be acted upon)  
(Majority Vote)**

**ITEM# 2026-034  
INTRO: 09/18/2025**

**2026-034 AUTHORIZATION TO CONTRACT FOR AND EXPEND A FISCAL YEAR 2026 REGIONAL PUBLIC SAFETY ANSWERING POINT AND REGIONAL EMERGENCY COMMUNICATIONS CENTER DEVELOPMENT GRANT IN THE AMOUNT OF \$861,378 FROM THE COMMONWEALTH OF MASSACHUSETTS, EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY**

**RESOLVED:** That the Town Council does hereby authorize the Town Manager to contract for and expend a Fiscal Year 2026 State 911 Department Regional Public Safety Answering Point and Regional Emergency Communications Center Development grant in the amount of **\$861,378** from the Commonwealth of Massachusetts, Executive Office of Public Safety and Security to be used to fund the costs and planning associated with the architectural and engineering services, project management services, and transition expenses for salary costs needed in connection with the creation of a Regional Emergency Communications Center in the Town of Barnstable, which will include 911 services covering the Towns of Barnstable, Yarmouth and Sandwich.

**SPONSOR:** Mark S. Ells, Town Manager

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| ___ | Read item          |
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| ___ | Vote               |

# BARNSTABLE TOWN COUNCIL

ITEM# 2026-034  
INTRO: 09/18/2025

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Jean B Challies, Chief of Police  
**DATE:** September 10, 2025  
**SUBJECT:** Authorization to contract for and expend a Fiscal Year 2026 Regional Public Safety Answering Point and Regional Emergency Communications Center Development Grant in the amount of **\$861,378** from the Commonwealth of Massachusetts, Executive Office of Public Safety and Security

**BACKGROUND:** There are many benefits to the regionalization of emergency 911 call-taking and dispatch services within a community. Currently, the Towns of Barnstable, Yarmouth, and Sandwich are geographically connected and yet each has its own stand-alone communications centers. Each of these towns agrees to form a partnership in the creation of a regional emergency communications center to collectively serve all three towns. Some of the benefits to this regionalization of 911 Emergency Communications are to better integrate and improve communications by housing 911 call-taking under one roof in a centralized Regional Emergency Communications Center and an enhanced ability to have access to funding that is only available to regional dispatch centers. Other benefits are improved communications between partner municipalities; access to grant funding for improved equipment; better operational efficiency in dispatching emergency services; and better ability to communicate with regional stakeholders. In this endeavor, each town has the full support of all components of emergency services within their respective towns, including police, fire and emergency medical services and have signed an intermunicipal agreement.

On behalf of those named in this partnership, the Town of Barnstable Police Department applied for and was awarded a State FY2026 Regional Public Safety Answering Point and Regional Emergency Communication Center Development Grant in the amount of \$861,378. This funding represents the third funding grant for this project, with the first grant being awarded in Fiscal Year 2024 in the amount of \$373,090 and the second grant being awarded in Fiscal Year 2025 in the amount of \$238,454. Therefore, with this Fiscal Year 2026 grant award a total of \$1,472,922 over the three years has been awarded thus far. The Town of Barnstable Police Department serves as the Grant Manager for this grant funding.

**ANALYSIS:** The Town of Barnstable will follow the Massachusetts Office of the Inspector General Model Designer Selection Procedures. The funding will cover the costs of the selected architectural and engineering firm for the creation of specifications, blueprints, floor plans, and facility requirements to build a Regional Emergency Communications Center. As well as the cost associated with project management, and transition expenses for salary of a Regional Emergency Communications Center Director.

This phase of the project timeline is estimated to take approximately 1 year.

**FISCAL IMPACT:** The Barnstable Police Department will serve as the grant manager on behalf of this regional grant that includes the Barnstable Police & Hyannis Fire Departments; Yarmouth Police and

Fire Departments; and Sandwich Police and Fire Departments, all located on Cape Cod in the Commonwealth of Massachusetts. Expenses will be charged against the grant project. Requests for reimbursement of expenses associated with this project will be submitted promptly to State 911.

**TOWN MANAGER RECOMMENDATION:** Mark S. Ells, Town Manager, recommends acceptance of this grant.

**STAFF ASSISTANCE:** Jean B Challies, Chief of Police; Anne Spillane, Director of Finance & Support Services - BPD

**B. NEW BUSINESS (First Reading) (Refer to Second Reading  
10/09/2025)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2026-035  
INTRO: 09/18/2025**

**2026-035 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION**

**RESOLVED:** That the Town Council appoints the following individuals to a multiple-member Board/Committee/Commission: **Disability Commission:** Christopher Bartley as a regular member to a term expiring 6/30/2028; **Planning Board:** Catherine Finkenstaedt as a regular member to a term expiring 6/30/2028

**SPONSOR:** Appointments Committee Members: Councilor Kristin Terkelsen, (Chair); Councilor Jeffrey Mendes; Councilor John Crow; Councilor Charles Bloom; and Councilor Seth Burdick

| DATE  | ACTION TAKEN |
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\_\_\_\_ Read Item  
\_\_\_\_ Rationale  
\_\_\_\_ Council Discussion  
\_\_\_\_ Vote

**B. NEW BUSINESS (First Reading) (Refer to Second Reading 10/09/2025)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2026-036**  
**INTRO: 09/18/2025**

**2026-036 REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION**

**RESOLVED:** That the Town Council reappoints the following individuals to a multiple-member Board/Committee/Commission: **Human Services Committee:** Kimberly Crocker-Crowther as a regular member to a term expiring 6/30/2028; **Planning Board:** Raymond Sexton as a regular member to a term expiring 6/30/2028; **Waterways Committee:** Gary Shramek as a regular member to a term expiring 6/30/2028

**SPONSOR:** Appointments Committee Members: Councilor Kristin Terkelsen, (Chair); Councilor Jeffrey Mendes; Councilor John Crow; Councilor Charles Bloom; and Councilor Seth Burdick

| DATE  | ACTION TAKEN |
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\_\_\_\_ Read Item  
\_\_\_\_ Rationale  
\_\_\_\_ Council Discussion  
\_\_\_\_ Vote